

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BHUTAN INTERNATIONAL FESTIVAL,
LIMITED and BHUTAN DRAGON EVENTS
AND FESTIVALS, LIMITED,

Plaintiffs,

-against-

EDEN PROJECT, EDEN PROJECT LIMITED,
EDEN LAB and EDENLAB LTD.,

Defendants.

17-CV-8980 (VEC)

**DECLARATION IN SUPPORT OF
EDEN PROJECT'S AND EDEN
PROJECT'S LIMITED MOTION
TO DISMISS THE COMPLAINT**

Pursuant to 28 U.S.C. §1746, I declare:

1. I am the Company Secretary of Defendant Eden Project Limited. I am familiar with the facts herein, and I make this affidavit in support of Defendants Eden Project's and Eden Project Limited's (together, the "Eden Project Defendants") motion to dismiss the Complaint.
2. Eden Project Limited is a private company organized and existing as an educational charity company under the laws of the United Kingdom with its headquarters located in Bodelva, England. Eden Project Limited is a wholly-owned subsidiary of The Eden Trust, a Registered Charity organized and existing under the laws of the United Kingdom. With respect to the time frame alleged in the Complaint, I attach respectively as Exhibits A and B, Eden Project Limited's publicly filed Annual Returns for years 2014-2015, containing a complete list of its officers and shareholders. I attach, as Exhibit C, a copy of The Eden Trust's Certificate of

Incorporation, and pertinent pages of its Memorandum of Association identifying it as a Registered Charity.

3. Eden Project Limited is not aware of an entity known as “Eden Project,” but to the extent Plaintiffs name it as a defendant allegedly inclusive of Eden Project Limited, I make this declaration on behalf of the Eden Project Defendants.

4. Eden Project Limited sponsors and provides environmental education programs, incorporating botany, ecology, anthropology and sociology to promote understanding and responsible management of the environment. Eden Project Limited is best known for, and its major operation consists of, its destination theme park in Cornwall, England.

5. Eden Project Limited and Defendant EdenLab Ltd. are separate and independent entities. There is no joint venture or common ownership between them. They have no common directors, officers or shareholders, either now or during the time alleged in the Complaint, as evidenced by two Annual Returns publicly filed by EdenLab Ltd on August 21, 2014 (attached as Exhibit D) and August 25, 2015 (attached as Exhibit E), each of which identify Mr. Peter Nicholas John Hampel as the Company Director. Furthermore, Eden Project Limited and EdenLab Ltd. have no common agents or employees.

6. The Complaint identifies Virginia Galloway and John Hendicott as individuals employed by or associated with Defendants. Compl. at ¶ 12, 20, 23, 29, 32. Neither Ms. Galloway nor Mr. Hendicott are, or ever have been, employees or agents of Eden Project Limited.

7. Eden Project Limited has no offices, bank accounts, agents or property (real or personal) in New York. No Eden Project Limited employees or agents have visited New York in connection with the allegations in the Complaint.

8. Eden Project Limited has never had any contract or relationship with Plaintiffs Bhutan International Festival, Limited, and Bhutan Dragon Events and Festivals, Limited (the “Plaintiffs”).

9. Eden Project Limited did not interact or correspond with James Fitzgerald, the principal of Plaintiffs, or any other employee or representative of Plaintiffs.

10. Eden Project Limited did not communicate with any artists, entertainers or exhibitors participating in the First Ever Annual Bhutan International Festival (the “Festival”). Eden Project Limited also did not participate in booking travel or accommodations for the Festival.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Bodolva, England, United Kingdom on February 22, 2018.



Tina Bingham